

CLASSIFICATION OFFICE DECISION

Title of publication: 40566-0 181597_1.1.E01\Acer (NTFS, 6)\Users\Roger\Pictures\31-01-2014\Thumbs.db\256_70a8b4b5bb6550c2.jpg

Other known title(s): Not stated

OFLC ref: 1900147.005

Medium: Image File

Maker: Not stated

Country of origin: Aotearoa New Zealand

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 05 July 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 04 July 2019

Summary of reasons for decision:

The image file is one of a series of surreptitious photos of a clothed young girl. Although the image does not depict genital or breast nudity, or sexual activity it is overtly voyeuristic, focusing on the girl's body and her unselfconscious pose in a manner which sexualises her in an exploitative manner. The image is intended for the titillation of the photographer who is likely to gain a sexual thrill from the fact that his subject seems unaware that she is being photographed. The image therefore tends to promote and support the exploitation of children for sexual purposes and is deemed to be objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993. This classification interferes with the right to freedom of expression as affirmed by the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) be banned and reflects the concern of New Zealand society to protect its young and vulnerable members from sexual exploitation.